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Attorneys for Defendant Holy See
without waiver of defenses, jurisdictional or otherwise

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN V. DOE,

Plaintiff,

v.

HOLY SEE, (State of the Vatican City), Its
Instrumentalities and/or Agents -- Does 1-10;
ARCHDIOCESE OF PORTLAND IN OREGON,
an Oregon Corporation; THE ROMAN
CATHOLIC ARCHBISHOP OF PORTLAND IN
OREGON, and successors, a corporation sole, dba
THE ARCHDIOCESE OF PORTLAND IN
OREGON; THE CATHOLIC BISHOP OF
CHICAGO, a corporation sole; THE ORDER OF
THE FRIAR SERVANTS OF MARY, dba THE
ORDER OF THE FRIAR SERVANTS OF
MARY, U.S.A., PROVINCE, INC.,

Defendants.

Case No. CV-02-430-MO

**DEFENDANT HOLY SEE'S SECOND
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER
JURISDICTION**

REQUEST FOR ORAL ARGUMENT

I. L.R. 7-1 CERTIFICATION

In conformity with Civil Local Rule 7-1, undersigned counsel Jeffrey S. Lena certifies that he conferred by telephone and electronic mail with Michael Finnegan and Jeffrey Anderson, counsel for Plaintiff John V. Doe, in the above-captioned matter. Mr. Lena stated that the Holy See intended to file a motion to dismiss the action against the Holy See for lack of subject matter jurisdiction. The parties did not reach agreement as to dismissal of the action for lack of subject matter jurisdiction.

II. ISSUE

Whether this Court should order dismissal of Plaintiff's remaining vicarious liability claim against the Holy See for lack of subject matter jurisdiction.

III. MOTION

Pursuant to Rule 12(b)(1) and Rule 12(h)(3) of the Federal Rules of Civil Procedure, the Holy See, a foreign sovereign, moves the Court for an order dismissing the First Amended Complaint's remaining vicarious liability claim against the Holy See for lack of subject matter jurisdiction.

IV. SUPPORTING DOCUMENTS

In support of this motion, the Holy See relies on the following documents submitted herewith:

- Defendant Holy See's Memorandum in Support of Second Motion to Dismiss for Lack of Subject Matter Jurisdiction;
- Declaration of Jeffrey S. Lena in Support of Defendant Holy See's Second Motion to Dismiss for Lack of Subject Matter Jurisdiction (including exhibits thereto);
- Declaration of Byron H. Done in Support of Defendant Holy See's Second Motion to Dismiss for Lack of Subject Matter Jurisdiction (including exhibits thereto);
- Declaration of Father Luke Stano, O.S.M. (including exhibits thereto);
- Declaration of Father Conrad Borntragger, O.S.M.;
- Declaration of Dr. Edward N. Peters in Support of Defendant Holy See's Second Motion to Dismiss for Lack of Subject Matter Jurisdiction;
- Declaration of Father Patrick Brennan in Support of Defendant Holy See's Second Motion to Dismiss for Lack of Subject Matter Jurisdiction;
- Defendant Holy See's Notice of Intent to Rely on Foreign Law.

DATED this 8th day of September 2010

Respectfully submitted,

/s/ Jeffrey S. Lena

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otherwise)

OF COUNSEL:
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Byron H. Done, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2010, I served a true and correct copy of the foregoing **DEFENDANT HOLY SEE'S SECOND MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION** by:

- ___ mail with postage prepaid, deposited in the U.S. mail at Portland, Oregon,
- ___ hand delivery,
- ___ facsimile transmission,
- ___ overnight delivery,
- X electronic notification

on the following attorney(s):

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